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August 18, 2008

Honorable Maxine M. Chesney
United States District Court Judge
Courtroom #7
450 Golden Gate Avenue
San Francisco, CA 94102

Re: United States v. Antonio Musni,
CR 07-0385 MMC

Dear Judge Chesney,

This responds to the defendant's letter of August 6, 2008, and Mr. Chazin's letter of August 15, 2008. The government objects to any postponement of the defendant's surrender date on the basis that there is no good cause for doing so.

The defendant's excuses of wanting to "satisfy lease obligations" and "settle financial obligations" are simply efforts to stall and put off the inevitable surrender to the bureau of prisons (BOP). There is no explanation from the defendant about why he has been unable, in the ample time since his sentencing, to settle his financial obligations. Indeed, there is no explanation about what the alleged obligations are except for his lease and there is no coherent explanation for why he allegedly needs to remain in his apartment until September 30, 2008, to obtain a full refund of his deposit. Surrendering as scheduled would presumably save the defendant his September rent payment, so it frankly makes no sense that he needs another month to somehow improve his financial lot.

Similarly, while it is understandable that Mr. Chazin desires to be paid for his services, it sets an extremely dangerous precedent for a defendant to delay his surrender to the BOP so that he can raise money to pay his counsel. There are undoubtedly countless defendants in arrears to their counsel and there is no foreseeable end to these kinds of requests if this one is granted.

Accordingly, the government respectfully requests that the Court deny the defendant's request to postpone his surrender date. Alternatively, if the Court is inclined to grant the requested relief, the government respectfully requests that the Court order the defendant to apply his rental deposit towards his outstanding restitution obligation. There is no justifiable reason for the victims to continue to await the return of their money stolen by the defendant.

Sincerely,

JOSEPH P. RUSSONIELLO
United States Attorney

By: /s/
JEFFREY R. FINIGAN
Assistant United States Attorney

cc: Seth Chazin, Esq. (Via facsimile)